

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

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|---------------------------|---|--------------------------|
| United States of America, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No.: 06-CV-00354-PB |
| vs. |) | |
| |) | Judge Paul J. Barbadoro |
| General Electric Company, |) | |
| |) | |
| Defendant. |) | |

**UNITED STATES' MOTION IN LIMINE TO LIMIT THE PROPOSED TESTIMONY
OF GENERAL ELECTRIC COMPANY'S EXPERT WITNESS JAMES GIRARD**

Plaintiff, the United States of America (the "United States"), hereby moves this Court to limit the proposed testimony of General Electric Company's expert witness James Girard. The relief sought in this motion will conform with Federal Rule of Evidence 702 and First Circuit case law holding that expert testimony should be reliable and relevant to the facts of a case. Further, the relief sought will conform with a previous decision issued by this Court, and will conserve judicial resources by precluding irrelevant expert testimony at trial on a factual issue that is unestablished by admissible evidence. The United States attaches a memorandum of law in support of this Motion to explain why this Court should limit the testimony of GE's proposed expert witness James Girard to preclude him from offering testimony regarding the use of PCBs and/or scrap Pyranol as an ingredient in asphalt roof coating. The United States also attaches a proposed Order for this Court's convenience.

Respectfully submitted,

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Assistant Attorney General
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United States Department of Justice
Washington, D.C. 20530

Dated: 08/03/2008

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Certificate of Service

I, Laura J. Rowley, certify that the foregoing Motion, Memorandum and Proposed Order were filed and served electronically through ECF on Peter Biagetti and William “Mo” Cowan, counsel to the General Electric Company, on August 3, 2008.

/s/ Laura J. Rowley
Laura J. Rowley